

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
S/S Castlewall Court, 25 ft. W ZONING COMMISSIONER  
of c/l Mayfair Field Drive \*  
#1,3,5,7,9 & 11 Castlewall Ct. \* OF BALTIMORE COUNTY  
8th Election District \*  
3rd Councilmanic District \*  
Legal Owner: Mayfair Land Ltd. Case No. 93-446-A  
Partnership  
Contract Purchaser/Lessee: \*  
Trafalgar House Property, Inc. \*  
Petitioner \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for certain lots located in the residential subdivision known as Mayfair in the Timonium/Cockeysville section of Baltimore County. The Petition is filed by Mayfair Land Limited Partnership, property owner, and Trafalgar House Property, Inc., developer. The Petition seeks relief from Section 1B01.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Sections V.B.6.b. and V.B.6.c of the Comprehensive Manual Development Policy (C.M.D.P.). Relief is requested for six lots in the Mayfair residential subdivision, namely, Nos. 2, 3, 4, 5, 6, and 7. The relief is more particularly shown on Petitioner's Exhibit No. 1, the plan to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was John Mildenberg, a land surveyor and engineer with Mildenberg, Mochi and Associates, Inc. The Petitioner was represented by Howard L. Alderman, Jr., Esquire. There were no Protestants or other interested persons present.

Proffered testimony and evidence presented was that the subject lots are part of the Mayfair residential subdivision, a community of single family dwellings. The six lots involved are all located on the south side of Castlewall Court. Mr. Alderman proffered that the variances requested

all relate to window to window and/or window to property line setbacks. Further, because the development plan for this project has been previously approved, the old version of the CMDP is applicable. If the more recently enacted provisions of the CMDP were applied, many of the variances would not be necessary. That is, the revisions in the CMDP have reduced the required distances between windows and property lines and/or windows to windows.

Mr. Alderman further proffered that the variances are necessary so that the dwellings on the subject lots may be constructed in a manner consistent with other dwellings in this subdivision. It is to be noted that the topography slopes towards the rear of the subject lots, necessitating the placement of the building envelopes in the front of these lots. The frontages are slightly narrower than the rear width of the lot, thereby necessitating the variances. Further, the storm water management system for the project, as well as the forest buffer, is situated so as to compress the area available for these dwellings. That is, the lots are slightly narrower than other residential lots in the subdivision. Moreover, in order to ensure similar architectural styles of the houses on the proposed lots with the rest of the community, the variances are requested.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

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- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of July, 1993 that variances 1B01.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Sections V.B.6.b. and

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V.B.6.c of the Comprehensive Manual Development Policy (C.M.D.P.) for six lots in the Mayfair residential subdivision, namely, Nos. 2, 3, 4, 5, 6, and 7, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LRS/mm

-4-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 20, 1993

Howard L. Alderman, Jr., Esquire  
Levin and Gann  
305 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Case No. 93-446-A  
Petition for Zoning Variance  
Legal Owner: Mayfair Land Ltd. Partnership  
Contract Purchase/Lessee: Trafalgar House Property, Inc.  
Petitioner

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

LRS:mmm  
att.  
cc: Mr. John Mildenberg  
Mildenberg, Mochi and Assoc., Inc.



# Petition for Variance

93-446-A  
to the Zoning Commissioner of Baltimore County

for the property located at 1,3,5,7,9, and 11 Castlewall Court  
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned (legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED SHEET

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons (indicate hardship or practical difficulty)

SEE ATTACHED SHEET

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contact Purchaser/lessor:  
*Trafalgar House Property Inc.*  
BY: *Thomas H. Lawrence*  
Signature: *Thomas H. Lawrence*  
Name: *THOMAS H. LAWRENCE*  
Address: *8965 GUILFORD RD SUITE 290 COLUMBIA MD 21046*  
City: *COLUMBIA* State: *MD* Zip: *21046*  
Signature:  
*Howard L. Alderman, Jr.*  
Name: *HOWARD L. ALDERMAN, JR.*  
Address: *305 WEST CHESAPEAKE AVENUE SUITE 113 TOWSON, MARYLAND 21204*  
City: *TOWSON* State: *MARYLAND* Zip: *21204*  
Telephone: *(410) 887-4386*  
Attorney's Phone No.: (410) 321-0600

ESTIMATED LENGTH OF HEARING  
Responsible for Hearing  
ALL OTHER  
REVIEWED BY: *WLD* DATE: *6-14-93*

## ATTACHMENT TO PETITION FOR ZONING VARIANCE

ADDRESS: Nos. 1,3,5,7,9, and 11 Castlewall Court

LEGAL OWNER: Mayfair Land Limited Partnership  
Mr. Thomas Lawrence, General Partner  
c/o Trafalgar House Residential, Maryland  
8965 Guilford Road, Suite 290  
Columbia, Md. 21046

## VARIANCES REQUESTED:

- Lot 2: From BCZR 1B01.2.C.2 and CMDP V.B.6.c to permit a window to window distance of 32 feet in lieu of the 40 feet required as more specifically shown on the plat accompanying this Petition.
- Lot 3: From BCZR 1B01.2.C.2 and CMDP V.B.6.b to permit a window to property line distance of 12 feet in lieu of the 15 feet required, as more specifically shown on the plat accompanying this Petition.
- Lot 4: From BCZR 1B01.2.C.2 and CMDP V.B.6.b to permit a window to property line distance of 6 feet in lieu of the 15 feet required, as more specifically shown on the plat accompanying this Petition.
- Lot 5: From BCZR 1B01.2.C.2 and CMDP V.B.6.c to permit a window to window distance of 30 feet in lieu of the 40 feet required as more specifically shown on the plat accompanying this Petition.
- Lot 6: From BCZR 1B01.2.C.2 and CMDP V.B.6.b to permit a window to property line distance of 13 feet in lieu of the 15 feet required, as more specifically shown on the plat accompanying this Petition.
- From BCZR 1B01.2.C.2 and CMDP V.B.6.c to permit a window to window distance of 32 feet in lieu of the 40 feet required as more specifically shown on the plat accompanying this Petition.
- Lot 7: From BCZR 1B01.2.C.2 and CMDP V.B.6.c to permit a window to window distance of 37 feet in lieu of the 40 feet required as more specifically shown on the plat accompanying this Petition.

## Justification:

1. Relief requested is to bring existing improvements into compliance.
2. Relief requested is based on layout of specific models of homes to previously recorded lots.
3. Such other relief as will be presented at the time of the hearing on this request.

93-446-A

451

### EXAMPLE 3 - Zoning Description

93-446-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR Nos 1,3,5,7,9 and 11 Castlewall Court  
(address)  
Election District 8 Councilmanic District 3

Beginning at a point on the South side of Castlewall Court  
(north, south, east or west)

which is fifty (50) feet  
(number of feet of right-of-way width)  
(street on which property fronts)

wide at a distance of 25 feet west of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Mayfair Field Drive  
(name of street)

which is 50 feet wide. \*Being Lot# 2,3,4,5,6 and 7  
(number of feet of right-of-way width)

Block B, Section # in the subdivision of  
Mayfair as recorded in Baltimore County Plat

Book # 64, Folio # 102, containing

see "Plan to Accompany Petition for Variance"  
(signature, foot and acres)

\*If your property is not recorded by Plat Book and Folio Number,  
then DO NOT attempt to use the Lot, Block and Subdivision  
description as shown. Instead state: "As recorded in deed  
filed in Baltimore County, Md., on [date] and include the measurements and  
directions (metes and bounds only) here and on the plat in the  
correct location.

Example of metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18°  
27' 0" E. 87.2 ft., S. 62° 19' 00" W. 118 ft., and N. 08° 15'  
22" W. 80 ft. to the place of beginning.

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

Date: 9/7/93 Date of Posting: 4/20/93

Posted for: Variance

Petitioner: Mayfair Land Limited Partnership, et al

Location of property: 93 Castlewall Ct. - N/ Mayfair Dr.

Location of Sign: Posted at Front Office at Office of Planning

Posting 20 days - 20 days to sign is not completed at this time

Remarks: a new development being built

Posted by: [Signature] Date of return: 7/2/93

Number of Signs: 1

### CERTIFICATE OF PUBLICATION

TOWSON, MD. July 1, 1993

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper published  
in Towson, Baltimore County, Md., once in each of 1 successive  
weeks, the first publication appearing on July 1, 1993

THE JEFFERSONIAN,

[Signature]

Baltimore County  
Zoning Administration &  
Development Management  
311 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

93-446-A

#020 VARIANCE \$250  
#080 SIGN \$35  
\$285

MAYFAIR LTD. PARTNERSHIP  
1,3,5,7,9,11 CASTLEWALL COURT  
CCTEWSVILLE, MD 21030

03A0380173MICRC

\$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

JUNE 25, 1993

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-446-A (Item 451)

#1, 3, 5, 7, 9, and 11 Castlewall Court  
S/S Castlewall Court, 25' W of c/l Mayfair Field Drive  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Mayfair Land Limited Partnership  
Contract Purchaser(s): Trafalgar House Property, Inc.  
HEARING: MONDAY, JULY 19, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to permit a window to window distance of 12 feet in lieu of the 40 feet required for lot #2; to permit a window to property line distance of 12 feet in lieu of the 15 feet required for lot #3; to permit a window to property line distance of 6 feet in lieu of the 15 feet required for lot #4; to permit a window to window distance of 30 feet in lieu of the 40 feet required for lot #5; to permit a window to property line distance of 12 feet in lieu of the 40 feet required for lot #6; and to permit a window to window distance of 37 feet in lieu of the 40 feet required for lot #7.

[Signature]

Arnold Jablon  
Director

cc: Mayfair Land Ltd Part./8965 Guilford Road/290/Columbia MD 21046  
Trafalgar House Property Inc./Thomas H. Lawrence/8965 Guilford Rd/290/Columbia MD 21046  
Howard L. Alderman, Jr., Esq./305 W Chesapeake Ave #113/Towson MD 21204

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 14, 1993

Howard L. Alderman, Esquire  
Levin & Gann, P.A.  
305 West Chesapeake Avenue  
Towson, MD 21204

RE: Case No. 93-446-A, Item No. 451  
Petitioner: Mayfair Land Limited Partnership, et al  
Petition for Variance

Dear Mr. Alderman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 14, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Zoning Plans Advisory Committee Comments  
Date: July 14, 1993  
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Helene Kehring in the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

W. Carl Richards, Jr.  
W. Carl Richards, Jr.  
Zoning Coordinator

WCR:hek

Enclosures



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

6-24-93

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No: 4451 (JRA)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

[Signature]  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 555-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: July 1, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 449, 451, 452, 463, 464, 465, 466, 469 and 472.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: [Signature]

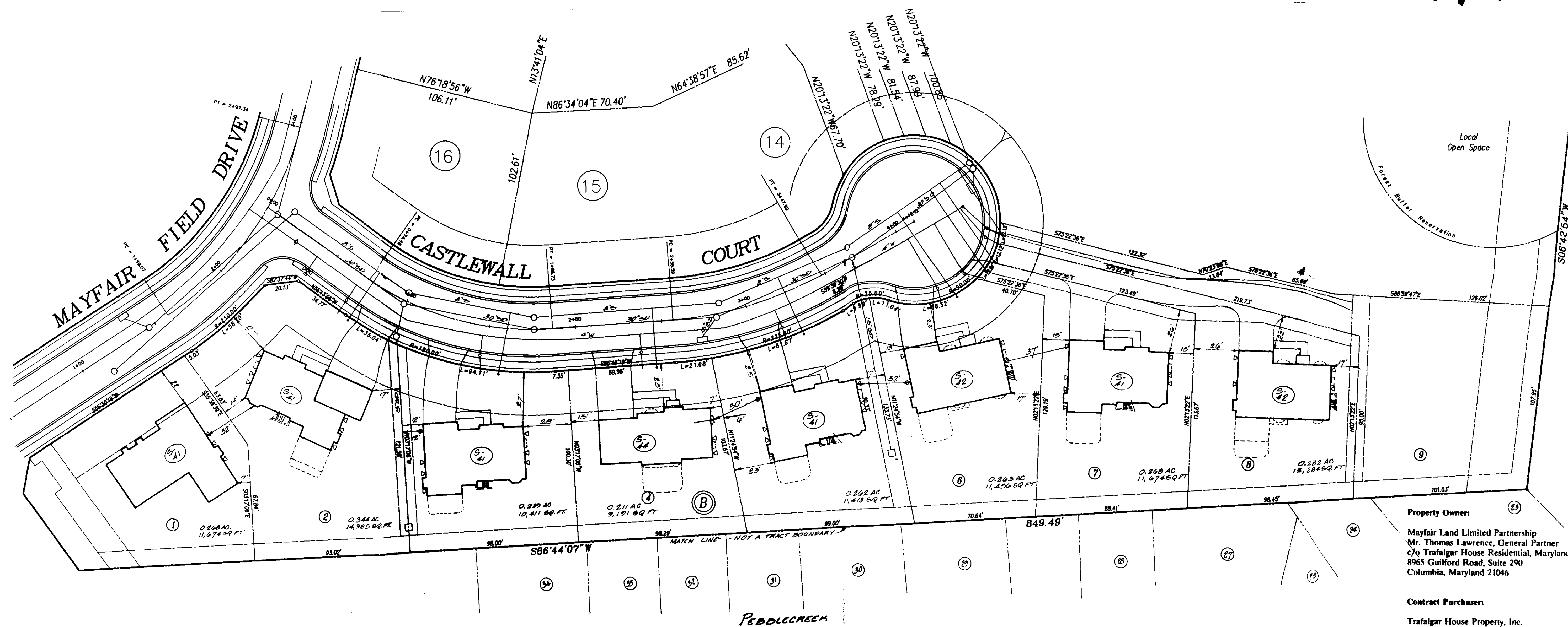
Division Chief: [Signature]

PK/JL:lw

449.ZAC/ZAC1

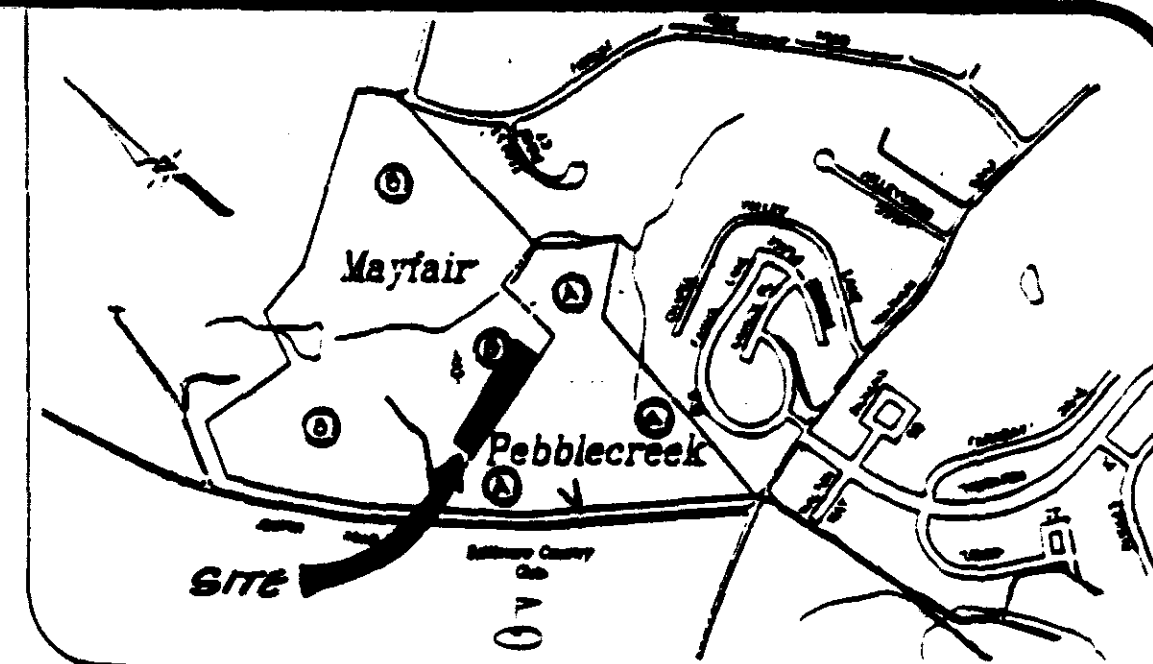
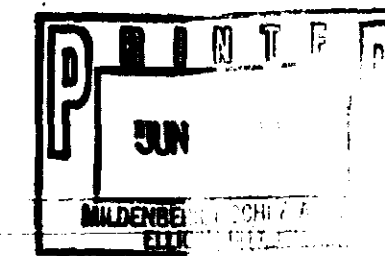
ADDRESS  
MILDENBERG, MAH & ASSOC  
3300 NORTH RIDGE RD SUITE 23  
GLUKOTT CITY MD 21049





**PETITIONER'S  
EXHIBIT** *Vol*

**NOTE:**  
ALL LOTS SHOWN AND  
ADJACENT PROPERTIES  
ARE UNDER SAME  
OWNERSHIP.



VICINITY MAP  
1" = 1000'

**93-446-A**

**Property Owner:**  
Mayfair Land Limited Partnership  
Mr. Thomas Lawrence, General Partner  
c/o Trafalgar House Residential, Maryland  
8965 Guilford Road, Suite 290  
Columbia, Maryland 21046

**Contract Purchaser:**  
Trafalgar House Property, Inc.  
Mr. Thomas Lawrence, Atty. in Fact  
c/o Trafalgar House Residential, Maryland  
8965 Guilford Road, Suite 290  
Columbia, Maryland 21046

**Location Information:**  
Councilmanic District: 3  
Election District: 8  
1" = 200' Scale Map: NW 14-B  
Zoning: DR 3.5  
Lot Size: See Plan

**General Information:**  
Property Address: Nos. 1,3,5,7,9,11 Castlewall Court  
Public Water and Sewer  
Not in Chesapeake Bay Critical Area  
No previous zoning hearings  
Plat Book 64 Plat 102 (Lots 1 through 8, Block B)

Project	Date	Author	Check	Approval
93-446-A	JUNE '89	JEM	JEM	JEM

No.	Description	Revisions

**MAYFAIR**  
ELECTION DISTRICT NO. 8 (C-8)  
BALTIMORE COUNTY, MARYLAND  
Plan to Accompany Petition for Variance

**MILDENBERG  
MOCHI & ASSOCIATES, INC.**  
SURVEYORS  
3300 New York Road, Suite 235, Brentwood, Maryland 21155  
(410) 861-5075 D.C. Metro (301) 621-5768 Fax: (410) 754-5320